

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:05 CV 221**

THIS MATTER IS BEFORE THE COURT *sua sponte* as to the status of this case. The undersigned notes that the Plaintiff filed a "Complaint and Demand for Jury Trial" (Document No. 1) on May 13, 2005 and that since that date there has been no proof of service of process or any other activity in pursuit of this case. On April 6, 2007 the Clerk of Court sent Plaintiff a Notice of Lack of Prosecution (Document No. 3) which was returned to the Court as undeliverable on April 12, 2007.

IT IS, THEREFORE, ORDERED that this case be **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

Signed: April 19, 2007

David C. Keesler
United States Magistrate Judge